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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,927	07/27/2001	Ruben G. Duran	Duran-1	8764
30438 7590 07/07/2010 SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION 3310 AIRPORT AVENUE, SW SANTA MONICA, CA 90405				
EXAMINER				
DASS, HARISH T				
ART UNIT		PAPER NUMBER		
3695				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/916,927

Applicant(s)

DURAN, RUBEN G.

Examiner

HARISH T. DASS

Art Unit

3695

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-22, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-22, 24-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/17/2010 has been entered.

This office action is in response to applicant's communication of 6/17/2010.

2. **Priority: 7/27/2001**

3. **Status of claims:**

Claims 1-15, 17-22, 24-25 are pending (claims 24-25 are new).

Claims 16 and 23 are canceled.

4. **Note:** *Rejections of claims 1-22 under 35 USC § 112 1st and 2nd are removed base on the applicant's remarks pages 7-11. Applicant should keep in mind that any amendment should be supported by the original specification. See MPEP 608.04(a).*

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Triola (US 2001/0047328 A1) and Cooper et al. (hereinafter Cooper – US 2002/0029350 A1).

Re. Claim 1, Triola discloses

a server configured to facilitate an escrow transaction between [see entire document that relates to escrow, particularly - Abstract; Figures 1, 3; paragraphs 9 (Client-Server), 43-53, 55 (client module/server module)]:

a first escrow client subsystem (client) disposed in a first location, said first escrow client subsystem including [paragraphs 36, 55, 92]:

first software configured to facilitate the escrow arrangement [Figure 3; paragraphs 17-20 (background), 34],

a first communication device operable to communicate escrow information based on instructions from said first software (client program) [paragraphs 44, 57], and

a first display [Figures 1a (#103,202,210, 306, 307), 1b (#212, 308,203,104), 1c (#312, 313, 317), Figure 3; paragraphs 9, 98]; and

a second escrow client subsystem (client) disposed in a second location, said second

escrow client subsystem including [supra, also see In re Harza]:

second software configured to facilitate the escrow arrangement [supra],
a second communication device operable to communicate escrow information based on instructions from said second software [supra], and

a second display [supra];

wherein the server interfaces with a network thereby connecting said first and second

client subsystems [paragraphs 9, 67, 88-98], and

wherein the escrow transaction comprises a conditional delivery of items from a first party to a third party until certain conditions are satisfied followed by delivery of the items from the third party to the second party [paragraph 17 (buyer, seller, principals, escrow officer)] and existing escrow [Figures 3-4].

Triola does not explicitly disclose

first communication device comprising a first camera configured to be operated with the first software to facilitate an online videoconference meeting regarding an existing escrow, and second communication device comprising a second camera configured to be operated with the second software to facilitate the online videoconference meeting regarding an existing escrow.

However, Cooper discloses first communication device comprising a first camera configured to be operated with the first software to facilitate an online videoconference

meeting regarding an existing escrow, and second communication device comprising a second camera configured to be operated with the second software to facilitate the online videoconference meeting regarding an existing escrow [see entire document particularly, - Abstract; Figures; paragraphs 09-11, 122, 129-136, 140, 148, 155-159, 165-166, 189, 208, 211, 228]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Triola and Cooper to provide a video conferencing technology for facilitating a secure communication between client, consultants and other participations to exchange sensitive/business information. It would have been recognized that applying the technique of Cooper to the teachings of Triola would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied show the ability to incorporate the video conferencing system of Cooper into the escrow processing system of Triola would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow secure meeting virtually face-to-face between the negotiating parties.

- b. Claims 2-15, 17-22, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Triola and Cooper as applied to claims 22, and claim 1 above, and further in view of Mini et al. (hereinafter Mini – US 6,684,196).

Re. Claims 2-15, 17-22, and 24-25 Triola and discloses providing an escrow service between a first escrow service provider at a first location and a second party a second location, the escrow service operating using the computing device [supra] and wherein the escrow service at least partially comprises a conditional delivery of items from a first party to a third party until certain conditions are satisfied followed by delivery of the items from the third party to the second party and existing escrow [supra].

Copper discloses conducting an online videoconference meeting regarding an existing escrow between the first escrow service provider and the second party [supra]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Triola and Cooper to provide a video conferencing technology for facilitating a secure communication between client, consultants and other participations to exchange sensitive/business information.

Mini in the same field of endeavor discloses employing a videoconferencing system between the first location and the second location for purposes of facilitating providing the escrow service [Abstract; Figure 9, col. 2 lines 60-67; col. 8 lines 40-55 (video conference includes camera)].

2. Mini discloses wherein said software includes code for receiving customer escrow data [col. 14 lines 19-23; col. 18 lines 5-17; col. 20 lines 1-17].

3. Mini discloses wherein said software includes code for displaying a list of escrow companies [col. 6 lines 41-48; col. 10 lines 3-47].

4. Mini discloses wherein said list is customized based on said user data [col. 2 lines 49-59 – see personalized].

5. Mini discloses wherein said list is customized based on said broker data [col. 2 lines 49-59 – see personalized].

6. Mini discloses software includes code for establishing a video-conference between said first client and said second client via said network [col. 1 lines 51-56 (meet and communicate); col. 2 lines 61-63; col. 8 lines 48-55].

7. Mini discloses wherein said software includes code for facilitating an escrow opening meeting online [col. 1 lines 51-56 (meet and communicate); col. 2 lines 61-63; col. 8 lines 48-55].

8. Mini discloses software includes code for running customized applications [col. 2 lines 49-59 – see personalized].

9. Mini discloses wherein said applications are customized based on the parameters provided by an escrow agent, a customer, and or a third party [col. 14 lines 19-23; col. 18 lines 5-17; col. 20 lines 1-17].

10. Mini discloses wherein said third party is a real estate broker [col. 1 lines 28-40 – see realtor].

11. Mini discloses wherein said software includes code for retrieving an existing escrow account [col. 2 lines 63-65; col. 18 lines 17-18 – account =data as for computer is concern].

12. Mini discloses wherein said display is a flat-panel display [Figures 26-27 # 2604; col. 19 line 22, line 51 – see video display which can be flat panel display].

13. Mini discloses wherein said network is the Internet [col. 16 lines 43-455].

14. Mini discloses wherein said network is a private network [col. 16 lines 43-455 – see LAN].

15. Mini discloses wherein said first office is an escrow office [col. 1 lines 28-41; lines 51-56].

16. Mini discloses wherein said escrow office is an independent escrow office [col. 1 lines 28-41; lines 51-56; col. 5 line 34 – independent agent].

17. Mini discloses including plural first client subsystems disposed in plural respective independent escrow offices [col. 4 lines 7-16; col. 16 lines 12-35, line 64-66 - see distributed system].

18. Mini discloses wherein said second office is a broker's office [col. 1 lines 28-41; lines 51-56; col. 5 line 34].

19. Mini discloses including plural second client subsystems disposed in plural respective brokers offices [col. 4 lines 7-16; col. 16 lines 12-35, line 64-66 – see distributed system].

20. Mini discloses 20. The invention of claim 16 wherein said second office is a title insurance office [col. 1 lines 28-41; lines 51-56; col. 5 line 34; col. 2 lines 53-55 – title company].

21. Mini discloses input/output devices [col. 19 lines 48-65] and video conference (wherein said communication device is a camera) [col. 8 line 52 - video conference includes camera].

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure Triola, Cooper and Mini to facilitate a transaction between a buyer and seller through trusted third party over the network and online audio and video conferencing means to allow the two parties to know each other over the virtual network and negotiate the terms, condition and delivery of valuables through a trusted party. It would have been recognized that applying the technique of Cooper to the teachings of Triola and Mini would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied show the ability to incorporate the video conferencing system of Cooper into the escrow processing system of Triola would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow secure meeting virtually face-to-face between the negotiating parties.

24 & 25. Claims 24-25 are rejected over Triola, Cooper and Mini with same rationale as claims 2-15, 17-22. The combined system of prior art of references are capable to step of claims 24-25.

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARISH T. DASS whose telephone number is (571)272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kyle Charles can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harish T Dass/
Primary Examiner, Art Unit 3695

Friday, July 02, 2010